

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHTC #1002/01 1491526  
ZNR UUUUU ZZH  
O 291526Z MAY 07  
FM AMEMBASSY THE HAGUE  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9272  
INFO RUEAIIA/CIA WASHDC PRIORITY  
RUCPDOC/DEPT OF COMMERCE WASHDC PRIORITY  
RHEBAAA/DEPT OF ENERGY WASHDC PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RUEKJCS/JOINT STAFF WASHDC PRIORITY

UNCLAS THE HAGUE 001002

SIPDIS

SIPDIS

STATE FOR ISN/CB, VCI/CCB, L/ACV, IO/S  
SECDEF FOR OSD/ISP  
JOINT STAFF FOR DD PMA-A FOR WTC  
COMMERCE FOR BIS (GOLDMAN)  
NSC FOR LEDDY  
WINPAC FOR WALTER

E.O. 12958: N/A

TAGS: [PARAM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR THE  
WEEK ENDING MAY 25

This is CWC-44-07.

-----  
ARTICLE VII  
-----

**¶1.** (U) Facilitator Kimmo Laukenen (Finland) launched his facilitation with an extremely informative May 22 session, focusing on implementation developments since February 2007 and upcoming Technical Secretariat outreach activities. The facilitator noted that his goal would be to create a structure for long-standing work to ensure implementation of Article VII obligations and welcomed delegations ideas and proposals. Laukenen will hold the next consultation prior to EC-49 but after the TS distributes its progress report.

**¶2.** (U) TS Legal Advisor Santiago Onate first updated delegations on its efforts to support establishment of National Authorities. Because Barbados just adhered to the Convention, the number without NAs has increased by one. Onate reported that on May 11, the EC Chair sent letters to all states that have yet to establish NAs (Cambodia, Cape Verde, Central African Republic, Honduras, Comoros, Mauritania, Montenegro, Timor-Leste, Afghanistan, and Barbados) and provided the texts. Afghanistan provided in April 2007 contacts who will be in its new NA and requested training for its future personnel. The TS is considering how best to provide such training.

**¶3.** (U) Onate then moved to discuss developments in the realm of implementing legislation. In alphabetical order:

-- In late April, Bahrain included TS comments in its implementing legislation before sending it to the Council of Minister for review. Afterwards the legislation will move to Parliament where it is anticipated that before it can be passed, Parliamentarians will need to be educated as to CWC requirements (Note: one venue might be the fall training scheduled for Qatar).

-- Belgium reported that in May the federal Parliament passed its implementing legislation. Now the regional Parliaments need to complete their independent and analogous processes.

-- Cook Islands submitted its final draft to the TS in late March. It now is incorporating TS comments prior to submitting the draft to Parliament in early May. It is

possible that Parliament could complete its process prior to the regional meeting in August.

-- In February, Ecuador prepared and discussed its draft with the TS. The NA was happy with the TS recommendations and hopes to finalize the draft in early May.

-- Iceland reported that in March its NA changed staff members, delaying its work. It anticipated that it could complete the process in another ten months.

-- Head of ICA (and former Kenyan Ambassador) Mworia visited Nairobi in May to review and comment on Kenya's draft legislation. Kenya noted that it may submit the draft to Parliament after the upcoming elections.

-- Kuwait recently hosted a Technical Assistance Visit and reported that it hopes to finish its implementing process soon.

-- Malawi reported in March that it is having big problems, e.g., lack of financial means, lack of capacity, its NA is under reorganization, and its budget was slashed. Therefore it cannot commit to any dates.

-- Montenegro reported in March that it is taking steps to prepare legislation. Once its NA is established, it does not expect finalization of its process to take very long.

-- Mozambique reported that its draft is advancing, and requested samples of legislation from Portugal, citing specifically sections on penal legislation. Portugal provided these, and a speedy conclusion is expected.

-- Panama in March noted the complexity of its implementation process due to the free zones in Colon. The NA was reorganized again, and it is starting from scratch. The NA is now in the Ministry of Health where no concrete progress is expected because of the Agency's more pressing focus on the country's health problems.

-- In March, Paraguay informed Magda Bauta (IPB) that it needed a TAV before it could make progress.

-- Portugal in March noted that it had finalized its legislation and sent it to parliament with a note of urgency (Note: it takes over the EU Presidency in July).

-- Qatar reported that it expects Parliament to approve the draft in the next two months. The legislation has sat in Parliament since December 2006 and suggested that a TAV for its Parliamentarians might advance its progress.

-- St. Kitts and Nevis in May made its first Article VII submission and responded to the legal questionnaire.

-- In March, Swaziland informed the TS that its Parliament decided to combine CWC implementing legislation with that of three other treaties. Until this process concludes, no progress is anticipated. Once it is completed, quick progress is possible.

-- Tonga hosted a TAV in April, where it recommenced work suspended in late 2006. Its progress has been delayed by the passing of the King and a turnover in its NA personnel. It requested a TAV in Sep./Oct. in conjunction with the meeting of the Asia Pacific Security forum.

-- Tunisia in May notified the TS that its implementing legislation had been adopted and the text was in the process of being submitted to the TS. The TS is optimistic that all key areas will be covered, but is unwilling to say so outright until it has reviewed the approved text.

-- Venezuela noted it received TS comments on its draft legislation and is about to forward the draft to its Parliament.

-- Finally, Onate noted that the TS is working with Malaysia, Saudi Arabia, Qatar, and the UAE on implementing regulations.

**¶4. (U)** Next, Magda Bauta made a detailed presentation (delreps requested a copy which will be forwarded to ISN/CB once received) on Implementation Support Branch Activities which will include TAVs, regional and sub-regional meetings for National Authorities, courses for NA personnel and Parliamentarians, and exchanges with UNEP and the World Customs Organization, for a total of 48 events in 2007. If additional requests come in, more events can be accommodated as well.

**¶15.** (U) On May 24, the facilitator for the Open-Ended Working Group on Terrorism (Annie-Claire Mari, France) held the first consultation under her leadership, the first such consultation in a year. Mari's opening remarks focused on the history of the Working Group, relevant Executive Council decisions, input and presentations from outside experts, and work with regional, subregional, and other international organizations. She referenced UNGA Resolution A/RES/60/288 (Global Counter-Terrorism Strategy) that encourages the IAEA and the OPCW to continue within their mandates to help States build capacity to prevent terrorist access to materials and facilities of concern. She referenced UNSCR 1540 in a similar light and pointed to recent workshops that have been held toward this end.

**¶16.** (U) The Deputy Director General made a very brief intervention in support of continuing work in cooperation with the UN 1540 Committee.

**¶17.** (U) The main topic on the agenda was a presentation by Ambassador Peter Burian (Slovakia), Chairman of the UN 1540 Committee. Burian, while acknowledging that the OPCW is not an anti-terrorism organization, pointed to the work of the OPCW as vital in reducing the ability of terrorists to obtain access to weapons of mass destruction. He laid out the history of UNSCR 1540 and its objectives and obligations. He emphasized that the main objective is to allow member states to put in place appropriate measures (e.g., import/export controls, transshipment and trafficking measures, etc.) to react to emerging threats. Workshops and other work to date has pointed to the need for assistance to many member states, and the 1540 Committee sees its role as a clearinghouse for such need requests and offers of assistance. The OPCW has participated in many of the Committee's outreach efforts to date. The Committee's current outreach efforts will focus on E

the Pacific, the Caribbean, and Africa.

**¶18.** (U) In response to questions from Algeria, the Netherlands, and Sweden, Burian said that he saw the biggest role for the OPCW as assistance to States Parties. The Committee desires to use existing programs within the OPCW, IAEA, and WCO to move its work forward. He sees a need to better advertise the Committee's activities. He acknowledged that many states activities probably meet the requirements of 1540, but they do not know it. Using open source information, the Committee hopes to reach out to those in this situation to move their efforts forward. He clearly sees the need to help states understand that 1540 is to their benefit and security. He acknowledged that little reporting progress has been made since their 2006 report, with 56 reports still outstanding from the Pacific, the Caribbean, and Africa.

**¶19.** (U) In response to an inquiry from Turkey, Burian acknowledged that reporting is only the first step and that full implementation of 1540 (and the follow-up 1673) is long-term. The Committee's mandate will need to be extended next year in order to do that. They have learned that sub-regional efforts can be particularly helpful where individual states find it difficult to put these measures in place on their own.

**¶110.** (U) Iran made a general statement about the delicacy of this matter. They referenced operative paragraph 5 of the decision and that the provisions of this resolution do not relieve states' obligations in other areas. They pointed to what they felt were two assumptions that need to be kept in mind: (1) the independent and autonomous nature of the OPCW and (2) the fact that the OPCW is not an anti-terrorism organization. They also reminded delegations that new proposals should come through the Working Group but eventually need the approval of the Executive Council.

**¶111.** (U) In response to a question from the UK, Burian addressed export controls and the impact of the Committee's

work in their establishment. He referenced the Committee's participation in a recent workshop in Bucharest that dealt with these matters. He cautioned that the implementation of 1540 is a national responsibility and that the Committee cannot dictate methods for doing so. However, he sees the Committee's role as making states aware of the best practices in use so they can use that information when putting their export control measures in place.

**¶12.** (U) Pakistan made a statement that pointed to the CWC experience as an example of the time and effort required in the implementation of "onerous" requirements like these. They pointed out that Pakistan has already made two reports to the Committee but that other states need more time and assistance to do so. While acknowledging the independence and autonomy of the OPCW, they stated that they felt that the OPCW could still serve as an effective vehicle to providing assistance.

-----  
GENEVA GROUP - DRAFT 2008 BUDGET  
-----

**¶13.** (U) The Geneva Group met on May 25 to get an initial briefing on the proposed 2008 budget, which will be submitted to the Director General for his consideration. Director of Administration Ron Nelson and acting Head of Budget Labib Sahab provided the briefing. The key points:

-- Zero growth budget.  
-- The DG will present it to delegations on June 22.  
-- There will be a two per cent increase for staff costs.  
-- The exchange rate used for the budget will be .732 Euro for one USD, as this was the rate for most of May.  
-- A two per cent inflation factor was utilized.  
-- There will be a 3.6% increase for ICA, although Nelson emphasized that the inflation rate used for LDCs (and therefore relevant for any TS activities there) is 4.75%.  
-- The distribution will be about 50.2% for Chapter 1 and 49.8% for Chapter 2.  
-- Three temporary positions in ISB, PSB and ICA will be reprogrammed to permanent positions, so the total number of TS staff will go from 521 to 524.

SIPDIS

-- There will be an increase of 100,000 Euros to cover higher than expected departures of P-staff. The usual number of P-staff departures is 15 per year. There are 17 so far in 2007 and two more will definitely depart. The estimate is that 5-6 more P-staff will leave by the end of the year.  
-- There will be no/no increase in Human Resources personnel to handle higher turnover.  
-- With regard to requests from some delegations about showing voluntary contributions, the draft budget will not/not show voluntary contributions. Those will continue to be shown in quarterly financial statements.  
-- Nelson referred to the Annual Performance Report linked to Results Based Budgeting and said the TS would be working to maximize the utility of the report.

**¶14.** (U) On the number of OCPF inspections, which had been the key point of contention in last year's budget negotiations, the budget was prepared with a total of 200 industry inspections. The option had been put to the DG to consider an increase that number to 220, 230 or 250. If the DG elects to have 220 inspections, an additional 150,000 Euros would need to be re-allocated to cover the additional inspections. After Nelson and Sahab departed, there was a discussion in the Group on whether the TS could handle more than 200 inspections a year. Diana Gossens (Netherlands) said that there had been discussion of improved procedures that would allow the same number of inspectors to handle more inspections (more sequential inspections, less preparatory work, due to greater experience, etc.) However, there was no consensus on whether more than 200 inspections could be handled by the current number of inspectors.

¶15. (U) The U.S. and UK made a strong pitch for a continued increase (no specific number) in OCPF inspections, and there was general agreement in the Group and no delegate expressed disagreement. The key is to learn if the DG plans to hold to 200 inspections and reallocate the number for Schedule 1, 2 3 and OCPF, or move up to 220 with a substantial part of the extra 20 going to OCPFs.

¶16. (U) Finally, Sahab said that the 2005 surplus, currently estimated to be 8.8 million Euros, would be credited and distributed back to States Parties at the start of 2008, once it had been certified. There was a general discussion of the status of Article IV/V invoices, with Nelson stating that the U.S. had recently made a payment which had covered outstanding 2006 and 2007 invoices. There was also a discussion of the state of payment of assessed contributions. Nelson noted that the payment rate was very slow this year. Del rep asked if there had been any TS cancellation of projects or a negative impact on operations so far. Nelson flatly told the Group there had been no slowdown or cut-back in operations.

¶17. (U) Budget co-facilitators Gosens and Donggy Lee (South Korea) said they would hold a facilitation the week of July ¶13. The expectation is that this would be an opportunity for delegations to present questions on the budget to the TS. The facilitators would then hold the usual item-by-item consultations beginning in early September. With an EC set for September 25, the facilitators candidly stated they are expecting to have to complete the budget on the margins of the November Conference of States Parties.

¶18. (U) Ito sends.  
ARNALL